

REMARKS/ARGUMENTS

I. General Remarks.

Applicants respectfully request that the above amendments be entered and further request reconsideration of the application in view of the amendments and the remarks contained herein.

II. Disposition of the Claims.

Claims 1-30, 34, and 36-40 are pending in this application. Claim 1 is amended herein. Claims 31-33 and 35 were previously canceled. Claims 41-71 were canceled previously in response to Restriction Requirement. Applicants reserve their rights to take up prosecution on the claims as originally filed in this or an appropriate continuation, continuation-in-part, or divisional application.

Applicants respectfully request that the above amendments be entered, and further request reconsideration in light of the amendments and remarks contained herein. Antecedent basis for these amendments can be found throughout the specification as originally filed. Accordingly, Applicants respectfully submit that all the pending claims are in condition for allowance.

III. Remarks Regarding Rejections Under 35 U.S.C. § 102.

A. Claims 1, 7, 15-17, 23, 24, and 39 Are Not Anticipated by U.S. Patent No. 4,085,801 issued to Sifferman *et al.*

Claims 1, 7, 15-17, 23, 24, and 39 stand rejected under § 102(b) as being anticipated by U.S. Patent No. 4,085,801 issued to Sifferman *et al.*, (hereinafter "*Sifferman*"). Applicants respectfully disagree because *Sifferman* does not disclose every element of claims 1, 7, 15-17, 23, 24, and 39 as required to anticipate these claims under 35 U.S.C. § 102(b). *See* MPEP § 2131.

In particular, *Sifferman* does not disclose a method comprising "injecting a consolidation composition comprising a furan-based resin...wherein the consolidation composition does not comprise a curing agent; and permitting the consolidation composition to cure to a desired level of strength therein without the addition of a curing agent," as recited in amended claim 1. Rather, *Sifferman* discloses that:

[t]he slurry of resin, sand, and gelled oil may be intentionally prepared and pumped without acid catalysts or with insufficient catalyst to cause the resin to harden, and thereafter, an oil soluble acid or acid oil may be pumped into the resin-sand mass to

catalyze the polymerization of the resin and reduce the oil viscosity.

Sifferman, col. 3, lines 58-64. Thus, while *Sifferman* does disclose that a slurry comprising a resin may initially be placed into the subterranean formation without a curing agent, *Sifferman* goes on to disclose that a acid must subsequently be placed in the “resin-sand mass to catalyze the polymerization of the resin.” This is in direct contrast with Applicants’ amended claim 1, which does not require the addition of a curing agent. Therefore, Applicants respectfully assert that independent claim 1 is not anticipated by *Sifferman*. Accordingly, independent claim 1, and the claims that depend therefrom, claims 7, 15-17, 23, 24, and 39 should be allowed.

B. Rejections of Claims 1, 7, 15-18, and 23-30, and 34 Under 35 U.S.C. § 102(e).

Claims 1, 7, 15-18, 23-30, and 34 stand rejected under § 102(e) as being anticipated by U.S. Patent Application No. 2005/0034862, now U.S. Patent No. 7,036,589, issued to Nguyen, (hereinafter “*Nguyen*”). In order to form a basis for a § 102(e) rejection, the earlier patent or patent application must be “by another.” See 35 U.S.C. § 102(e). Submitted herewith is Applicants’ declaration under 37 C.F.R. § 1.132 showing that the relevant disclosure in *Nguyen* is Applicants’ own work, and thus the invention disclosed therein is not by “another.” See MANUAL OF PATENT EXAMINING PROCEDURE § 716.10 (2004) (declaration from the applicant regarding the subject matter disclosed in a patent is sufficient to establish inventorship). Accordingly, Applicants respectfully submits that the 35 U.S.C. § 102(e) rejection of claims 1, 7, 15-18, 23-30, and 34 based on *Nguyen* has been overcome, and respectfully requests the withdrawal of these rejections.

IV. Rejections Under Judicially Created Doctrine of Double Patenting

Claims 1, 7, 15-18, 23, and 39 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 34-69 of *Nguyen*. Submitted herewith is an appropriate terminal disclaimer in compliance with 37 C.F.R. § 1.321 disclaiming the appropriate term. Accordingly, Applicants respectfully submit that the double patenting rejections have been overcome, and respectfully request the withdrawal of these rejections.

V. No Waiver

All of Applicants’ arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these

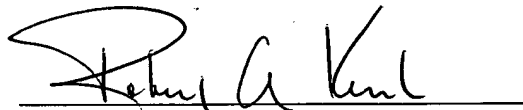
additional distinctions in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinction discussed by Applicant is sufficient to overcome the anticipation and double patenting rejections.

SUMMARY

In light of the above remarks, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections. Applicants further submit that the application is now in condition for allowance, and earnestly solicit timely notice of the same. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of this application, the Examiner is invited to contact the attorney of record by telephone, facsimile, or electronic mail.

The Commissioner is hereby authorized to debit the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300 in the amount of \$130.00 for the terminal disclaimer fee under 37 C.F.R. 1.20(d). Should the Commissioner deem that any additional fees are due, including any fees for extensions of time, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to the Deposit Account of Halliburton Energy Services, Inc., No. 08-0300.

Respectfully submitted,



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